

Appl. No.: 10/663,354
Docket No.: BGJ-101
Reply to Office Action of February 1, 2005

IN THE DRAWINGS:

- The attached sheet of drawings includes changes to Fig. 1 and replaces the original sheet
1. The previously omitted words “PRIOR ART” have been added to Fig.1. A sheet marked “Annotated Sheet Showing Changes” and a sheet marked “Replacement Sheet” are enclosed.

REMARKS

Claims 1 – 6 and 8 – 23 are pending in the present application. Claim 7 has been cancelled. Claims 1, 8, 11, 12, 13, 14, and 21 have been amended to more particularly point out and distinctly claim Applicants' invention.

Claims 22 and 23 have been added. Claims 22 and 23 are similar to claims 11 and 12, respectively and claim alternatives that were removed in the amending of claims 11 and 12 to overcome the objection. Request is respectfully made for consideration of claims 22 and 23 upon entry of the present Amendment.

Paragraph 33 has been amended to correct the Figure referenced to Figure 1. It is clear from the context from the specification that Figure 1 is the Figure that is being referenced.

Support for the amendment to the Drawing is found at least in the Brief Description of the Drawings on page 4, and in Paragraph 36, both of which indicate that Fig. 1 is prior art.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Additional remarks are set forth below with reference to the numbered paragraphs in the Office Action.

2. Claim Rejections Under 35 U.S.C. § 112

Claims 11- 14 were objected to in the Office Action as being indefinite under 35 U.S.C. § 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the term "and/or" was objected to in the office action as not being clear since it "is not clear which conditions must be met to satisfy the claim." In addition, the term "in particular" was objected to in the office action "as not clear because it could be limiting or exemplary."

In response, Claims 11 and 12 have been amended to remove the alternative presented by “and/or;” and Claims 13 and 14 have been amended to remove “in particular” language. It is believed that these amendments obviate the rejections under 35 U.S.C. § 112 second paragraph.

4. Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-15, 17, and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Iniewski. Iniewski is cited in the Office Action for disclosing

the claimed the invention at Fig. 4 with well 11 and resistors 13 as described at the bottom of col. 3. The resistors are displaced in relation to one another (from left to right) when viewed in any direction, including a longitudinal direction. Or a longitudinal direction is the direction from left to right.

[Emphasis added by undersigned].

Applicants respectfully disagree with the interpretation of Iniewski presented in the Office Action. The definition of displace is “to move or shift from the usual place or position.” The bar-shaped segments 13 in Iniewski are spaced from each other where the “spaced” is defined as “to separate or keep apart.” There is no suggestion in Iniewski to space and displace the resistor.

Claim 1 has been amended to clarify that the resistors are both spaced, as in separated, and displaced, as in shifted, from each other. Even a cursory review of the distinction of Fig. 1, the prior art, and Fig. 2 shows the contrast related to the displacement in the longitudinal direction of the resistors in relation to the adjacent resistor. In addition, in the specification at paragraphs 40 and 41, it is described that in the embodiment shown, the metal pads (14 and 15) of the resistor are displaced from the adjacent metal pads and therefore the resistors are displaced.

Claim 21, an independent claim, has been similarly amended to overcome the rejection.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. Denied, 484 U.S. 1007 (1988). Because Iniewski is missing at least one element of the claims as amended, for example, the displacement of the adjacent resistor, it cannot anticipate the present claims.

For at least the foregoing reasons, reconsideration and withdrawal of the rejections of Claims 1 and 21 over the teachings of Iniewski under 35 U.S.C. § 102(b) are requested.

Claims 2-6, 8-15, and 17 are dependent on Claim 1, and allowable, at least for the reasons cited above.

Further, with respect to Claims 2-15 and 17, it is unclear from the Office Action, how Iniewski anticipates the claims. Applicants respectfully submit that the Office Action merely attempts to paraphrase the claims. For example, with respect to Claim 9, the Examiner does not indicate where, “when viewed in a longitudinal direction of the resistors, are displaced alternately to a front end and to a rear end” is anticipated in Iniewski.

5. In paragraph 5 of the Office Action, Claims 1 – 7 and 9 -21 were rejected as being anticipated by Kant. The Examiner states that Kant discloses:

the claimed invention at Fig. 3 with resistors 21 -23 and well 15. The substrate is a well where claim 3 of Kant discloses a n type with p type resistor diffusion.

Applicants respectfully traverse these rejections. Applicants do not understand what specifically in Kant is being cited by the Examiner to allege that Claim 1 is anticipated by Kant. Column 3 of Kant describes, in lines 30 – 33, that “with no ‘heads’ to be concerned about, a circuit designer can place resistors in parallel with each other or with other active device regions at the minimum distance.” The Kant patent relates to headless resistors, as the title suggests. There is no suggestion in Kant regarding the concerns with the influence of the parasitic resistor. To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 827 F.2d 744,747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. Denied, 484 U.S. 1007 (1988). Contrary to Applicants’ invention, and Iniewski, Kant does not teach or suggest a semiconductor device with resistors positioned in a well of the opposite conductivity type.

In view of the foregoing remarks, Applicants respectfully request reconsideration and allowance of Claims 1 - 6 and 9 -21.

CONCLUSION

It is believed that the Amendment and the foregoing remarks have addressed the issues raised by the Examiner in these paragraphs.

Establishing a *prima facie* case of obviousness requires that all elements of the invention be disclosed in the prior art. (*In re Wilson, Supra.*) None of the references cited by the Examiner, either alone or in combination, contain all of the elements of Applicants' claims as amended. Therefore the claims meet the requirements of 35 U.S.C. § 102 (e),(b) and 35 U.S.C § 103 (a).

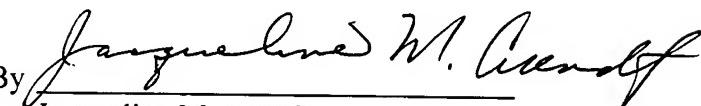
It is believed that the foregoing amendments and remarks are fully responsive to this Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance of Claims 1 – 6 and 8 – 23 are requested.

If a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned at (978) 897-8400.

A check in the amount of \$50.00 for the additional Claim and a Letter for Fee Transmittal is enclosed herewith.

Respectfully submitted,

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ANNOTATED SHEET
SHOWING CHANGES

FIG 1

